
SENATE CONCURRENT RESOLUTION

REQUESTING THE ADOPTION OF ADMINISTRATIVE RULES TO CLARIFY FOR
PURPOSES OF THE NOISE POLLUTION LAW THE NUMBER OF PET DOGS
THAT MAY BE KEPT.

1 WHEREAS, barking dogs are known to disrupt the peace and
2 tranquility of residential neighborhoods; and

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4 WHEREAS, the more dogs kept as pets by any one person, the
5 more annoying is the combined barking noise of all the dogs; and

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7 WHEREAS, the Department of Health is charged with the
8 responsibility to:

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10 (1) Adopt administrative rules to establish a state
11 community noise code that recognizes differences in
12 noise level standards in urban and non-urban areas of
13 the State and noise level standards of each county
14 (section 342F-30.5, Hawaii Revised Statutes); and

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16 (2) Establish by administrative rule specific areas of
17 control of excessive noise to allow for varying
18 conditions (section 342F-31, Hawaii Revised Statutes);
19 and

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21 WHEREAS, as an example, the City and County of Honolulu has
22 adopted noise control regulations in section 7-2.4(c), Revised
23 Ordinances of Honolulu, to provide for an animal nuisance
24 violation, as follows:

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26 "Noise is unreasonable within the meaning of this
27 article if considering the nature and the
28 circumstances surrounding the animal nuisance,
29 including the nature of the location and the time of
30 the day or night, it interferes with reasonable
31 individual or group activities such as, but not
32 limited to, communication, work, rest, recreation or



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1 sleep; or the failure to heed the admonition of a
 2 police officer or a special officer of the animal
 3 control contractor that the noise is unreasonable
 4 and should be stopped or reduced"; and
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6 WHEREAS, neither the Honolulu ordinances nor state law
 7 specify the number of pet dogs that is permissible as a
 8 threshold of noise level from barking; and
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10 WHEREAS, the Department of Health has not adopted any rules
 11 concerning animal noise from barking dogs; and
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13 WHEREAS, any administrative rules should exempt hunters who
 14 keep dogs, the number of which is appropriate for hunting
 15 purposes; and

16 WHEREAS, section 711-1109.6(1)(a), Hawaii Revised Statutes,
 17 makes it an offense of animal hoarding if a person knowingly,
 18 intentionally, or recklessly possesses more than fifteen dogs,
 19 cats, or a combination of dogs and cats; however, this section
 20 is a cruelty to animal law and does not address barking dogs as
 21 a nuisance; now, therefore,
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23 BE IT RESOLVED by the Senate of the Twenty-sixth
 24 Legislature of the State of Hawaii, Regular Session of 2011, the
 25 House of Representatives concurring, that the Director of Health
 26 is requested to adopt administrative rules as part of the state
 27 community noise code to clarify the number of pet dogs that is
 28 permissible for a person to keep for purposes of the noise
 29 pollution law; and
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31 BE IT FURTHER RESOLVED that a certified copy of this
 32 Concurrent Resolution be transmitted to the Director of Health.
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 34
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OFFERED BY:

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Mark

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